

AUSTIN KNUDSEN
Montana Attorney General
DAVID M.S. DEWHIRST
Solicitor General
CHRISTIAN B. CORRIGAN
Deputy Solicitor General
BRENT MEAD
Assistant Solicitor General
P.O. Box 201401
Helena, MT 59620-1401
Phone: (406) 444-2026
Fax: (406) 444-3549
david.dewhirst@mt.gov
christian.corrigan@mt.gov
brent.mead2@mt.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, MISSOULA DIVISION

MONTANA MEDICAL ASSOCIATION, ET. AL.,

Plaintiffs,

and

MONTANA NURSES ASSOCIATION,

Plaintiff-Intervenors,

v.

AUSTIN KNUDSEN, ET AL.,

Defendants.

No. CV-21-108-M-DWM

**DECLARATION OF
BRENT MEAD**

I, Brent Mead, make the following Declaration under penalty of perjury:

1. I am counsel for Defendants in the above action, am competent to testify as to the matters set forth herein, and make this Declaration based on my own personal knowledge and/or belief. I am generally familiar with the claims, materials, documents, and pleadings regarding this matter.

2. Attached as Exhibit 1 is a true and correct copy of the enrolled version of House Bill 702.

3. Attached as Exhibit 2 is a true and correct copy of the Governor's amendatory letter and amendments to House Bill 702.

4. Attached as Exhibit 3 is a true and correct copy of the House Bill 702's status sheet from the Montana Legislature website.

5. Attached as Exhibit 4 is a true and correct copy of the Centers for Disease Control's Morbidity and Mortality Weekly Report for April 22, 2022.

6. Attached as Exhibit 5 is a true and correct copy of the Federal Register, Vol. 86, No. 91, Thursday May 13, 2021.

7. Attached as Exhibit 6 is a true and correct copy of State's Expert Report of Dr. Jayanta Bhattacharya (corrected).

8. Attached as Exhibit 7 is a true and correct copy of State's Expert Report and CV of Dr. Ram Durisetti.

9. Attached as Exhibit 8 is a true and correct copy of Plaintiff's 4th Supplemental Responses to Defendant's First Requests.

10. Attached as Exhibit 9 is a true and correct copy of Plaintiff's Responses to Defendant's First Combined Discovery Requests.

11. Attached as Exhibit 10 is a true and correct copy of the August 12, 2022, Letter to Christian Corrigan from Justin Cole.

12. Attached as Exhibit 11 is a true and correct copy of the August 29, 2022, Vol. 71, No. 33 of the Centers for Disease Control guidance.

13. Attached as Exhibit 12 is a true and correct copy of the Montana Department of Labor & Industry Press Release dated July 28, 2021.

14. Attached as Exhibit 13 is a true and correct copy of the Deposition of Five Valleys Urology's Rule 30(b)(6) designee John O'Connor.

15. Attached as Exhibit 14 is a true and correct copy of Five Valleys Urology Policy and Procedure Manual.

16. Attached as Exhibit 15 is a true and correct copy of Five Valleys Urology Occupational Safety and Health Administration Manual.

17. Attached as Exhibit 16 is a true and correct copy of the Deposition of Western Montana Clinic's Rule 30(b)(6) designee Meghan Morris.

18. Attached as Exhibit 17 is a true and correct copy of Tamarack Management Employee Handbook

19. Attached as Exhibit 18 is a true and correct copy of Western Montana Clinic's Declination of Influenza Vaccination.

20. Attached as Exhibit 19 is a true and correct copy of Western Montana Clinic's Policy H-7 dated January 1, 2022.

21. Attached as Exhibit 20 is a true and correct copy of Western Montana Clinic's rescission of Policy H-7 dated January 13, 2022.

22. Attached as Exhibit 21 is a true and correct copy of Western Montana Clinic's Compliance Manual.

23. Attached as Exhibit 22 is a true and correct copy of Tamarack Management's Compliance Manual.

24. Attached as Exhibit 23 is a true and correct copy of the Deposition of Providence's Rule 30(b)(6) designee Kirk Bodlovic.

25. Attached as Exhibit 24 is a true and correct copy of the Deposition of Providence's Rule 30(b)(6) designee Karyn Trainor.

26. Attached as Exhibit 25 is a true and correct copy of Providence St. Patrick Hospital's Immunization Requirements for Physicians and Allied Health Professionals.

27. Attached as Exhibit 26 is a true and correct copy of the Montana Nurses Association's Response to Defendant's First Discovery Requests.

28. Attached as Exhibit 27 is a true and correct copy of Montana Nurses Association's Position Statements Regarding Vaccinations.

29. Attached as Exhibit 28 is a true and correct copy of the Montana Nurses Association's Membership Survey dated September 2021.

30. Attached as Exhibit 29 is a true and correct copy of the Collective Bargaining Agreement at the Montana Mental Health Nursing Care Center between the State of Montana, Department of Public Health and Human Services and the Montana Nurses Association's dated July 1, 2019-June 30, 2023.

31. Attached as Exhibit 30 is a true and correct copy of the Collective Bargaining Agreement at the Montana Mental Health Nursing

Care Center between the State of Montana, Department of Public Health and Human Services and the Montana Nurses Association's dated March 14, 2016 to June 30, 2019.

32. Attached as Exhibit 31 is a true and correct copy of the Montana Nurses Association's Agenda for a November 18, 2021, zoom call regarding the Centers for Medicare and Medicaid Services COVID-19 Vaccine Mandate.

33. Attached as Exhibit 32 is a true and correct copy of the Joint Commission's Final Accreditation Report for Providence occurring on June 21, 2022 to July 20, 2022.

34. Attached as Exhibit 33 is a true and correct copy of the Declaration of Carter Anderson.

35. Attached as Exhibit 34 is a true and correct copy of the Deposition of the Montana Human Rights Bureau's Rule 30(b)(6) designee Marieke Beck.

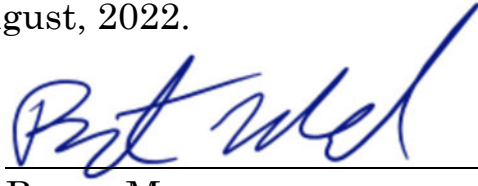
36. Attached as Exhibit 35 are true and correct copies of Providence policies related to Equal Employment Opportunity, Transitional Duty, Influenza Vaccination, Respiratory Protection, and Visitation.

37. Attached as Exhibit 36 is a true and correct copy of Providence St. Patrick Hospital's COVID-19 Plan.

38. Attached as Exhibit 37 is a true and correct copy of the Deposition of David N. Taylor, M.D.

39. Attached as Exhibit 38 is a true and correct copy of the Deposition of David B. King, M.D.

DATED this 26th day of August, 2022.

A handwritten signature in blue ink, appearing to read "Brent Mead", is written over a horizontal line.

BRENT MEAD

CERTIFICATE OF SERVICE

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

Dated: August 26, 2022

/s/ Brent Mead
BRENT MEAD